



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Otsuki, et al.
Appl. No.:	10/785,446
Case No.:	NOV-ACV-00010-US-NP NOCAR.007A
	Art Unit 1614
	Examiner: Royds, Leslie A.
Filed	February 23, 2004
For:	METHOD OF TREATMENT OF DISEASE USING AN ADENOSINE A1 RECEPTOR ANTAGONIST

**RESPONSE TO JANUARY 14, 2009 NOTICE OF NON-RESPONSIVE AMENDMENT**

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In Response to the Notice of Non-Responsive Amendment mailed January 14, 2009, Applicants provisionally elect to prosecute claims directed to Group (II) (Claims 10-13 and 26-34) drawn to methods for treating a cardiovascular disease comprising administration of an AA<sub>1</sub>RA and a beta blocker.

Applicants also elect heart failure as a species of cardiovascular disease, KW-3902 as a species of AA<sub>1</sub>RA, and acebutolol as a species of beta blocker. Claims that read on this species include Claims 10-13, and Claims 26-34. Applicants respectfully request consideration of the following remarks.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 9 of this paper.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

**MERCK & CO., INC.**

By John R. Rugg Date 2-11-2009